

April 7, 2003

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Filed: October 15, 2001

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-- REMARKS --

In the Final Office Action, Examiner Contee rejected pending claims 11-19 on various grounds. The Applicant responds to this ground of rejection as subsequently recited herein, and respectfully requests reconsideration and further examination of the present application under 37 CFR § 1.114:

- A. Claims 11, 12, 14-16, 18 and 19 were rejected under 35 U.S.C. §102(b) as being anticipated by European Patent No. 0709812 to *Watanabe* et al.

The Applicant has cancelled claims 11, 12, 14-16, 18 and 19 herein without disclaimer or prejudice as to the claimed subject matter. Withdrawal of the rejection of claims 11, 12, 14-16, 18 and 19 under §102(b) as being anticipated by *Watanabe* is therefore respectfully requested.

- B. Claims 13 and 16 were rejected under 35 U.S.C. §103(a) as being unpatentable over European Patent No. 0709812 to *Watanabe* et al. in view of U.S. Patent No. 6,075,998 to *Morishima*

The Applicant has thoroughly considered Examiner Contee's remarks concerning the patentability of independent claims 13 and 16 over *Watanabe* in view of *Morishima*. The Applicant has also thorough read *Watanabe* and *Morishima*. Both *Watanabe* and *Morishima* disclose a means for composing a melody for altering a user of an in-coming message prior to a reception of the message (i.e., a pre- reception composing of the melody). See, *Watanabe* at column 4, lines 23-36; and *Morishima* at column 1, line 54 to column 2, line 11. Both *Watanabe* and *Morishima* fail to teach or suggest composing the melody subsequent to the reception of the message (i.e., a post-reception composing of the melody).

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To better differentiate the present invention of *Watanabe, Morishima* and the remaining art of record, the Applicant has cancelled claims 11, 12, 14-16, 18 and 19 herein and added claims 20-24. The Applicant respectfully asserts that *Watanabe, Morishima* and the remaining art of record, in combination, fail to disclose, teach or suggest the following limitation of independent claims 20 and 23:

1. "a processor operable to compose a melody corresponding to the one of the numeric message, the alphanumeric message and the voice mail message subsequent to a reception of the one of the numeric message, the alphanumeric message and the voice mail message by said receiver" as recited in independent claim 20; and
2. "compose a melody corresponding to the one of the numeric message, the alphanumeric message and the voice mail message subsequent to a reception of the one of the numeric message, the alphanumeric message and the voice mail message" as recited in independent claim 23.

The Applicant therefore respectfully requests a withdrawal of the rejection of independent claims 13 and 16 under 35 U.S.C. §103(a) as being unpatentable over *Watanabe* in view of *Morishima*, and an allowance of claims 20-24 over the art of record.

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SUMMARY

Examiner Contee's §§102(a) and 103(a) rejections of claims 11-19 have been obviated by the cancellation herein of claims 11-19. The Applicant respectfully submits that claims 20-24 as added herein fully satisfy the requirements of 35 U.S.C. §§ 102, 103 and 112. In view of the foregoing, favorable consideration and early passage to issue of the present application is respectfully requested. In view of the foregoing, favorable consideration and early passage to issue of the present application is respectfully requested. If any points remain in issue that may best be resolved through a personal or telephonic interview, Examiner Contee is respectfully requested to contact the undersigned at the telephone number listed below.

Dated: April 7, 2003

Respectfully submitted,
Richard H. Jones, *et al.*

U.S. PHILIPS
580 White Plains Road
Tarrytown, New York 10591
Phone: (914) 333-9606
Fax: (914) 332-0615

Jack D. Slobod
Registration No. 26,236
Attorney for Applicants

CARDINAL LAW GROUP
Suite 2000
1603 Orrington Avenue
Evanston, Illinois 60201
Phone: (847) 905-7111
Fax: (847) 905-7113


Frank C. Nicholas
Registration No. 33,983
Attorney for Applicants